

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Philip R Wirth
PO Box 233
Wolf Creek MT 59648-0233**
2. Type of action: **Application to Change a Water Right No. 30027760-411**
3. Water source name: **Groundwater Wells**
4. Location affected by action: **SENWSW, Sec 17, Twp 11N, Rge 3W, Lewis and Clark County**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:
The applicant proposes to change a portion of the purpose, flow rate, volume, acres and place of use of Permit No. 1169-411 (Authorization to Change 30004749-411). The water being changed is to be used to mitigate possible surface water depletion of Silver Creek, due to the pumping of the public water supply wells for the Bridge Creek Estates Subdivision. A portion of the water will be left in aquifer for the mitigation plan.

The new purpose would be mitigation and the new place of use would be the SENWSW of Sec 17, Twp 11N, Rge 3W. 3.5 acres will be removed in the SWSWNW leaving 67.5 acres remaining for lawn and garden use in the Bridge Creek Subdivision. The place of use will be in the NWSW and S2NW of Sec 17, Twp 11N, Rge 3W, Lewis and Clark County.

The maximum flow rate, volume and acres for this change are as follows:

Flow rate: 4 gpm

Volume: 6.45 acre-feet per year

Acres: 3.5 acres

The DNRC shall issue an Authorization to Change to the applicant if the criteria in 85-2-402, MCA are met.

Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Russ Levens – DNRC Hydrogeologist

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No significant adverse impact. This proposed project would not affect chronically dewatered streams as identified by DFWP; it does not seek to develop water from a surface water source. The proposed application is for mitigation of Silver Creek.**

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No significant adverse impact. This proposed project would not affect water quality in Silver Creek. The proposed application is for mitigation of Silver Creek.**

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **No significant adverse impact. The proposed project is to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No significant adverse impact. The proposed project will not divert the water. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: **No significant adverse impact. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **This proposed project does not involve wetlands.**

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **This proposed project does not involve ponds.**

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No significant adverse impact. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No significant adverse impact. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No significant adverse impact. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant adverse impact. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No significant adverse impact. The water will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.**

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant adverse impact.**

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No significant adverse impact.**

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: **No significant adverse impact.**

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No **X**.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant adverse impact.**
- (b) Local and state tax base and tax revenues? **No significant adverse impact.**
- (c) Existing land uses? **No significant adverse impact.**
- (d) Quantity and distribution of employment? **No significant adverse impact.**
- (e) Distribution and density of population and housing? **No significant adverse impact.**
- (f) Demands for government services? **No significant adverse impact.**
- (g) Industrial and commercial activity? **No significant adverse impact.**
- (h) Utilities? **No significant adverse impact.**
- (i) Transportation? **No significant adverse impact.**
- (j) Safety? **No significant adverse impact.**
- (k) Other appropriate social and economic circumstances? **No significant adverse impact.**

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: **Secondary impacts from this proposed project are not anticipated. The proposed project involves the mitigation of possible surface water impacts to Silver Creek.**

A portion of the water from a groundwater well will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.

Cumulative Impacts: **Cumulative impacts from this proposed project are not anticipated. The proposed project involves the mitigation of possible surface water impacts to Silver Creek.**

A portion of the water from a groundwater well will be left in the aquifer to mitigate possible impacts on Silver Creek by the Bridge Creek Estates Subdivision public water supply wells.

3. Describe any mitigation/stipulation measures:
This proposed application is for mitigation of Silver Creek. The application is to mitigate the possible affects on Silver Creek from two public water supply wells. The wells are for the Bridge Creek Estates Subdivision.

The application will go through the public notice process, and water users concerned with the potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:
The Bridge Creek Estates application for beneficial water use permit is in the DNRC. It has gone through the public notice process and received two objections. The objections were later withdrawn. The subdivision was and is being developed without a water use permit in place. Obviously, the water is being used by the homeowners in the subdivision. The no action alternative would prevent the applicant from mitigating the possible adverse affects of the public water supply wells from the proposed subdivision. The water use permit cannot be granted without a mitigation plan in place.

PART III. Conclusion

1. Preferred Alternative: **Issue the authorization as applied for by the applicant, or in some modified form considered reasonable.**
2. Comments and Responses: **There have been no comments or responses at this time.**
3. Finding:
Yes ☐ No ☒ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

Based on a consideration of the criteria found in DNRC Administrative Rule 36.2.524, "Determining the Significance of Impacts," there is not a significant adverse impact. An EA is sufficient for this level of action. The proposed project is for mitigation of Silver Creek.

Name of person(s) responsible for preparation of EA:

Name: Kathy Arndt

Title: Water Resources Specialist

Date: November 14, 2007